



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,430	06/28/2001	Ryuji Iwakiri	Q65021	2865

7590 12/05/2002

Sughrue Mion Zinn
Macpeak & Seas
2100 Pennsylvania Avenue NW
Washington, DC 20037-3213

EXAMINER

SHORT, PATRICIA A

ART UNIT	PAPER NUMBER
----------	--------------

1712

DATE MAILED: 12/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869430

Applicant(s)

Twakiri et al.

Examiner

Shurt

Group Art Unit

1712

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on June 28, 2001
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5 is/are pending in the application.
- Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 1, 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

Art Unit: 1712

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murakami. The reference teaches a thermosetting powder coating compositions comprising a polyester having reactive groups, a vinyl polymer having reactive groups and a curing agent that have good physical properties, appearance, weatherability and staining resistance. The polyester can be prepared from polycarboxylic acids that include isophthalic acid and polyhydric alcohols that include neopentyl glycol. See col. 2, lines 45-60. The vinyl polymer can be prepared from monomers that include vinyl ester and fluoroolefin. See col. 4, lines 3-31. As suggested by the reference, it would have been obvious to combine a fluorine-containing polymer having reactive groups prepared from fluoroolefin and vinyl ester with a polyester having reactive groups and a curing agent in order to obtain a powder coating composition having good physical properties, appearance, weatherability and staining resistance. Alternatively, it would have been obvious to combine a polyester having reactive groups prepared from isophthalic acid and neopentyl glycol with a fluorine-containing polymer and a curing agent in order to obtain a powder coating composition having good physical properties, appearance, weatherability and staining resistance.

Claims 1, 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP '276. The reference teaches a thermosetting powder coating compositions comprising polyester having reactive groups, a fluorine-containing polymer having reactive groups and a curing agent that have good pigment dispersion, impact resistance, corrosion resistance and adhesive

Art Unit: 1712

properties. The polyester can be prepared from isophthalic acid and 2,2'-diethylpropanediol. The fluorine-containing polymer can be prepared from vinyl acetate. As suggested by the reference, it would have been obvious to combine a fluorine-containing polymer having reactive groups prepared from fluoroolefin and vinyl ester with a polyester having reactive groups and a curing agent in order to obtain a powder coating composition having good pigment dispersion, impact resistance, corrosion resistance and adhesive properties. Alternatively, it would have been obvious to combine a polyester having reactive groups prepared from isophthalic acid and 2,2'-diethylpropanediol with a fluorine-containing polymer and a curing agent in order to obtain a powder coating composition having good pigment dispersion, impact resistance, corrosion resistance and adhesive properties.

P. Short

November 26, 2002

Phone (703) 308-2395

Fax (703) 872-9310

PATRICIA A. SHORT
PRIMARY EXAMINER

Patricia A. Short